

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

SUBHASH PATEL, Individually and On Behalf of All Others Similarly Situated,

*Plaintiff.*

v.

Case No. 1:21-cv-04606-ERK-MMH

KONINKLIJKE PHILIPS N.V. and FRANS VAN HOUTEN,

*Defendants.*

The parties have agreed to, and respectfully request that the Court enter, the following proposed Discovery Plan/Scheduling Order:<sup>1</sup>

<b>PROPOSED DISCOVERY PLAN/SCHEDULING ORDER<sup>2</sup></b>			
	<b>DONE</b>	<b>NOT APPLICABLE</b>	<b>DATE</b>
<b>A. ACTIONS REQUIRED <u>BEFORE</u> THE INITIAL CONFERENCE</b>			
1. Rule 26(f) Conference held	✓		November 21, 2024
2. Rule 26(a)(1) disclosures exchanged			December 4, 2024
3. Requested:			
a. Medical records authorization		✓	
b. Section 160.50 releases for arrest records		✓	
c. Identification of John Doe/Jane Doe defendants		✓	
4. Procedures for producing Electronically Stored Information (ESI) discussed			December 4, 2024
5. Protective Order to be submitted for court approval (see Standing Protective Order on the Chambers website)			December 4, 2024

<sup>1</sup> In light of the Court's Memorandum and Order (ECF No. 55), the case caption has been adjusted to reflect the current parties.

<sup>2</sup> The parties have proposed certain agreed changes to the Court's form/standing Proposed Discovery Plan/Scheduling Order. All proposed changes have been underlined.

PROPOSED DISCOVERY PLAN/SCHEDULING ORDER <sup>2</sup>			
	DONE	NOT APPLICABLE	DATE
<b>B. SETTLEMENT PLAN</b>			
1. Plaintiff to make settlement demand		✓	In connection with private mediation
2. Defendant to make settlement offer		✓	In connection with private mediation
3. Referral to EDNY mediation program pursuant to Local Rule 83.8? (If yes, enter date for mediation to be completed)		✓	Private mediation to be held on or before June 5, 2025
4. Settlement conference (proposed date)		✓	Private mediation to be held on or before June 5, 2025
<b>C. PROPOSED DEADLINES</b>			
1. Motion to join new parties			October 15, 2025
2. Motion to amend pleadings			October 15, 2025
3. Initial documents requests and interrogatories			December 23, 2024
4. <u>Completion of party document discovery</u>			June 16, 2025
5. All fact discovery to be completed (including disclosure of medical records)			September 15, 2025
6. Joint status report certifying close of fact discovery and indicating whether expert discovery is needed			September 30, 2025
7. Expert Discovery (only if needed)	<i>Check here if not applicable</i> <input type="checkbox"/>		
Plaintiff expert proposed field(s) of expertise:	Loss causation, price impact, damages and other areas to be determined		
Defendant expert proposed field(s) of expertise:	Loss causation, price impact, damages and other areas to be determined		
a. Affirmative expert reports due			October 27, 2025
b. Rebuttal expert reports due			December 11, 2025
c. Reply expert reports due			January 26, 2026

PROPOSED DISCOVERY PLAN/SCHEDULING ORDER <sup>2</sup>			
	DONE	NOT APPLICABLE	DATE
d. Depositions of experts to be completed			February 27, 2026
9. Completion of ALL DISCOVERY (if different from C. <u>6</u> )			February 27, 2026
10. Joint status report certifying close of ALL DISCOVERY and indicating whether dispositive <u>and/or Daubert</u> motion is anticipated			March 6, 2026
11. If any party seeks a <b>dispositive and/or Daubert motion</b> , date to:			(a) March 20, 2026  (b) March 6, 2026
(a) file request for pre-motion conference (if required), or  (b) file briefing schedule for the motion			
12. Proposed Joint Pre-Trial Order due (if no dispositive motion filed)			Dispositive motions will be filed
<b>D. CONSENT TO MAGISTRATE JUDGE JURISDICTION</b>			
1. All parties consent to Magistrate Judge jurisdiction for dispositive motions?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. All parties consent to Magistrate Judge jurisdiction for trial?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>E. COLLECTIVE ACTION AND CLASS ACTION MOTIONS ONLY</b>			
1. Motion for collective action certification in FLSA cases		✓	
a. Response due		✓	
b. Reply due		✓	
2. Plaintiff's motion for Rule 23 class certification <u>and associated expert reports.</u>			February 28, 2025
a. Defendants' response and associated expert reports and Daubert motions			April 29, 2025
b. Plaintiff's reply, Daubert motions (as to defendants' experts), and Daubert oppositions (as to plaintiff's experts)			June 30, 2025
c. Defendants' Daubert oppositions (as to defendants' experts)			July 30, 2025

Dated: November 27, 2024

Respectfully submitted,

**POMERANTZ LLP**

*/s/ Emma Gilmore*

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*Lead Counsel for Lead Plaintiffs and the  
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*Additional Counsel for Lead Plaintiffs and the  
Proposed Class*

**SO ORDERED:**

*Marcia M. Henry*

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**MARCIA M. HENRY**  
United States Magistrate Judge

12/05/2024

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**Date**